

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Jessica A. Aldrich et al. : Examiner: UNKNOWN
U.S. Serial No. 09/675,825 : Group Art Unit: 1761
Filed: September 29, 2000 :
Docket No. NU-98-5-1 (205-14) :
For: SWEET-STABLE ACIDIFIED :
BEVERAGES :

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.56, 1.97 AND 1.98

Box DD
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 C.F.R. 1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. 1.56(a). While information referred to in this Information Disclosure Statement may be material pursuant to 37 C.F.R. 1.56(b), the filing of this Information Disclosure Statement is not intended to, pursuant to 37 C.F.R. 1.97(h), constitute an admission that any patent, publication or other information referred to is, or is considered to be, material to the patentability of this invention. Pursuant to 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information exists.

GAU 1761
#4/
IDS
DB,
02-5-001

RECEIVED
TECHNOLOGY CENTER 1700
JAN 17 2001

- ☒ This information Disclosure Statement is filed within the period set forth in §1.97(b) because it accompanies the new patent application submitted herewith, is filed within three months of the filing date of a national application or within three months of the date of entry of the national stage as set forth in §1.491 in an international application. Or is believed to be filed before the mailing date of a first Office Action on the merits, whichever event occurs last. However, in the event that the first office action has been mailed, the Commissioner is authorized to charge any fees under 37 C.F.R. 1.17(p) or credit any overpayment to Account No. 50-0935.
- ☐ This Information Disclosure Statement is filed after the period set forth in 37 C.F.R. 1.97(b), but is believed to be filed before the mailing date of a final action under §1.311, whichever occurs first.
- ☐ (1) The undersigned attorney certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement;
- ☐ (2) The undersigned attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned attorney after making reasonable inquiry, was known to any individual designated in §1.56 (c) more than three months prior to the filing of this statement; or

- ☐ (3) This Information Disclosure Statement is accompanied by a transmittal letter in which payment of the fee set forth in §1.17(p) and required by 37 C.F.R. 1.97 (c) is authorized.

Patents

1. U.S. Patent No. 4,737,375, issued April 12, 1988, entitled "Beverages and Beverage Concentrates Nutritionally Supplemented with Calcium", of *G.M. Nakel et al.*;
2. U.S. Patent No. 4,957,763, issued September 18, 1990, entitled "Composite Sweetening Agent", of *T. Saita et al.*;
3. U.S. Patent No. 5,169,671, issued December 8, 1992, entitled "Food Containing Fructose Polymer", of *T. Harada et al.*;
4. U.S. Patent No. 5,380,541, issued January 10, 1995, entitled "Sucralose Compositions", of *K.R. Keating*;
5. U.S. Patent 5,431,929, issued July 11, 1995, entitled "Chewing Gum Products Using Oligofructose", of *R.J. Yatka et al.*; and
6. U.S. Patent No. 5,731,025, issued March 24, 1998, entitled "Method and Composition for Inhibiting Decomposition of Aspartame", of *D.C. Mitchell et al.*

Publications

1. WIPO Publication WO 98/02049, published January 22, 1998, entitled "Stable Suspensions Containing Dipeptide Sweetener in Water"; and
2. WIPO Publication WO 98/19564, published May 14, 1998, entitled "Sweet-Stable Soft Drinks, Concentrates and Syrups with Dipeptide Sweetener and Fructan".

Respectfully submitted,



Michael W. Ferrell – Reg. No. 31,158
Attorney for Applicant

Ferrell & Ferrell L.L.P.
90 Crystal Run Road, Suite 401
Middletown, New York 10941
Telephone: (703) 266-3000
Facsimile: (703) 266-3000
January 12, 2000

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)Applicant(s): **JESSICA A. ALDRICH et al.**

Docket No.

NU-98-5-1 (205-14)

Serial No.

09/675,825

Filing Date

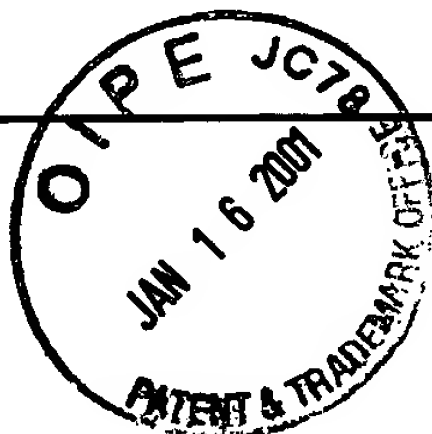
September 29, 2000

Examiner

UNKNOWN

Group Art Unit

1761

Invention: **SWEET-STABLE ACIDIFIED BEVERAGES**

I hereby certify that this IDS with references, PTO-1449 and return postal card
(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Assistant Commissioner for Patents, Washington, D.C. 20231 on January 12, 2001
(Date)

Carol R. Maddaloni

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

RECEIVED
JAN 16 2001
TECHNOLOGY CENTER 100